

MONTANA LEGISLATIVE HISTORY

Chapter 391 19 77

Bill H 815 S _____ Original bill & history ✓ c

H. Committee on Business & Industry

Hearing Date(s) Feb 19 ✓ C

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Date Out Feb 19 ✓ C

S. Committee on Business & Industry

Hearing Date(s) Mar 09 ✓ C

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_____ C

Mar 09 ✓ c

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____

Report _____

CHAPTER NO. 391

HOUSE BILL NO. 815

INTRODUCED BY NATHE, KEYSER, MANUEL, MANNING,
BARDANOUVE, RAMIREZ, HURWITZ, ROTH, MENAHAN,
BERTELSEN, SOUTH, CONROY

IN THE HOUSE

February 14, 1979	Introduced and referred to Committee on Business and Industry.
February 19, 1979	Committee recommend bill do pass. Report adopted.
February 21, 1979	Second reading, do pass.
February 22, 1979	Considered correctly engrossed.
February 23, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 23, 1979	Introduced and referred to Committee on Business and Industry.
March 9, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 12, 1979	Second reading, concurred in.
March 15, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 16, 1979	Returned from second house. Concurred in as amended.
March 17, 1979	Second reading, amendments adopted.

March 19, 1979

Third reading, amendments
adopted. Sent to enrolling.

Reported correctly enrolled.

1 *House* BILL NO. *815*
 2 INTRODUCED BY *Dennis NATHAN - Hansen - Manuel*
 3 *Monning Barland Ramo Hurwitz Both*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT THE
 5 DEPARTMENT OF PUBLIC SERVICE REGULATION, IN THE EXERCISE OF
 6 ITS REGULATORY AUTHORITY OVER RATES, FROM THE REQUIREMENTS
 7 OF THE MONTANA ENVIRONMENTAL POLICY ACT; AMENDING SECTION
 8 75-1-201, MCA."
 9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 Section 1. Section 75-1-201, MCA, is amended to read:
 12 "75-1-201. General directions — environmental impact
 13 statements. The legislature authorizes and directs that, to
 14 the fullest extent possible:
 15 (1) the policies, regulations, and laws of the state
 16 shall be interpreted and administered in accordance with the
 17 policies set forth in this chapter;
 18 (2) all agencies of the state, except as provided in
 19 subsection (4), shall:
 20 (a) utilize a systematic, interdisciplinary approach
 21 which will insure the integrated use of the natural and
 22 social sciences and the environmental design arts in
 23 planning and in decisionmaking which may have an impact on
 24 man's environment;
 25 (b) identify and develop methods and procedures which

1 will insure that presently unquantified environmental
 2 amenities and values may be given appropriate consideration
 3 in decisionmaking along with economic and technical
 4 considerations;
 5 (c) include in every recommendation or report on
 6 proposals for projects, programs, legislation, and other
 7 major actions of state government significantly affecting
 8 the quality of the human environment, a detailed statement
 9 on:
 10 (i) the environmental impact of the proposed action;
 11 (ii) any adverse environmental effects which cannot be
 12 avoided should the proposal be implemented;
 13 (iii) alternatives to the proposed action;
 14 (iv) the relationship between local short-term uses of
 15 man's environment and the maintenance and enhancement of
 16 long-term productivity; and
 17 (v) any irreversible and irretrievable commitments of
 18 resources which would be involved in the proposed action
 19 should it be implemented;
 20 (d) study, develop, and describe appropriate
 21 alternatives to recommend courses of action in any proposal
 22 which involves unresolved conflicts concerning alternative
 23 uses of available resources;
 24 (e) recognize the national and long-range character of
 25 environmental problems and, where consistent with the

1 policies of the state, lend appropriate support to
 2 initiatives, resolutions, and programs designed to maximize
 3 national cooperation in anticipating and preventing a
 4 decline in the quality of mankind's world environment;

5 (f) make available to counties, municipalities,
 6 institutions, and individuals advice and information useful
 7 in restoring, maintaining, and enhancing the quality of the
 8 environment;

9 (g) initiate and utilize ecological information in the
 10 planning and development of resource-oriented projects; and

11 (h) assist the environmental quality council
 12 established by 5-16-101; and

13 (3) prior to making any detailed statement as provided
 14 in subsection (2)(c), the responsible state official shall
 15 consult with and obtain the comments of any state agency
 16 which has jurisdiction by law or special expertise with
 17 respect to any environmental impact involved. Copies of such
 18 statement and the comments and views of the appropriate
 19 state, federal, and local agencies which are authorized to
 20 develop and enforce environmental standards shall be made
 21 available to the governor, the environmental quality
 22 council, and the public and shall accompany the proposal
 23 through the existing agency review processes.

24 (4) The department of public service regulation, in
 25 the exercise of its regulatory authority over rates and

1 charges of railroads, motor carriers, and public utilities,
 2 is exempt from the provisions of this chapter."

-End-

BUSINESS & INDUSTRY
NOTIFICATION SHEET

COMMITTEE

Bill #	Date Hearing	Committee Members	Sponsor	Chief Clerk	Received from Sgt. at Arms
SB 802	2/19	2/16	LIEN	2/15	2/19 DP 2/15
815	2/19	2/16	NATHE	2/15	2/19 DP 2/15
817	2/19	2/16	FAGG	2/15	2/19 DP 2/15
70	2/28	2/23	THIESSEN	2/22	3/5 AABCI 2/15
93	3/9	3/3	LOWE	3/1	3/9 BCI 2/15
328	3/1	2/23	LOWE	2/22	3/1 BCI 2/15
412	2/17	2/15	HURWITZ	2/15	2/17 DP 2/16
822	2/20	2/17	PORTER	2/15	2/20 DNP 2/17
832	2/20	2/17	HARPER	2/15	2/20 DNP 2/17
371	3/2	2/23	THOMAS	2/23	3/2 BCI 2/19
HB 843	2/20	2/17	HUENNEKENS	2/17	2/20 DNP 2/19
HB857	2/20	2/17	YARDLEY	2/17	2/20 DNP 2/20
HB 862	2/20	2/17	BENNETT	2/17	2/20 DNP 2/20
HB 872	2/20	2/17	PISTORIA	2/17	2/20 DNP 2/20
HB 139	2/28	2/23	HAZELBAKER	2/22	2/28 BCI 2/20
SB 209	3/2	2/23	BROWN	2/22	3/2 AABCI 2/20
HB 881			COMMITTEE		2/19 DP
HB 876			TROPILA		dead?
SB 381	3/1	2/23	HIND	2/23	3/2 BCI 2/22
SB 255	3/2	2/23	THIESSEN	2/22	3/2 BCI 2/22
SB 268	3/2	2/23	LOWE	2/22	3/2 BCI 2/22
HR 24	3/2	2/23	TURNAGE	2/22	3/2 BCI 2/23
383	3/5	3/3	Thomas	3/1/79	3/5 BCI 2/23
SB 399	3/5	3/3	Hagan	3/1	3/5 BCI 2/23
SB 408	3/6	3/3	PETERSON	3/1	3/6 BCI 2/23
421	3/6	3/3	GOODOVER	3/1	3/6 BCI 2/23

The Business & Industry Committee held a meeting in room 437 at 8:00 a.m. on Feb. 19, 1979. Chairman Quilici called the meeting to order. All members were present for the start of the meeting, but several members were excused later in the meeting.

Hearing was opened on HB 773.

Rep. Seifert, sponsor, explained the purpose of the bill for the committee. The bill would create a pilot grant cost -sharing program on Flathead Lake for Marina operators to install facilities to dispose of solid waste material.

There were no other proponents to the bill.

There were no opponents to HB 773.

Questions from the committee followed. Rep. Seifert closed on HB 773.

Hearing on HB 815.

Rep. Nathe, sponsor, introduced the bill to the committee. The bill would exempt the Dept. of Public Service Regulation from the requirements of the Montana Environmental Policy Act.

Mr. Bill Opitz, MPSC, testified in support of the bill. Mr. Opitz written comment sheet is attached.

Following questions, Rep. Nathe closed on HB 815.

Hearing on HB 769.

Rep. Azzara, sponsor, introduced the bill to the committee. The bill would require that bonds issued by local Government units or districts be offered first to local residents in the smallest possible denominations. (The bill would include only certain bonds listed in the bill.) This would allow people without large amounts of money to get in on these bonds.

Questions from the committee followed.

Rep. Azzara closed on HB 769.

HJR 37

Rep. Azzara, sponsor, introduced the bill to the committee. He passed out an amended version of the bill to the committee. (see attached) The resolution would outline to the Congress of the United States and the Legislatures of Idaho, Washington, and Oregon, Montana's position with regard to the Pacific Northwest Electric Power Planning and Conservation Act.

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HB 773 cont.

Rep. Stobie moved that the statement of intent for HB 773 be adopted by the committee. Discussion was held. A vote was taken and carried unanimously.

HB 769

Rep. Kessler moved that the amendments (see attached) be adopted. Discussion on the amendments followed. A vote was taken and carried unanimously.

Rep. Cooney made the motion that HB 769 AS AMENDED DO PASS. Following discussion on the motion a vote was taken and carried with four (4) Rep. voting no, (Rep. Tropila, Stobie, Oberg and Meyer).

HB 802

Rep. Jensen moved that HB 802 DO PASS. The motion was discussed. A vote was called and carried unanimously.

HB 815

Rep. Tropila moved that HB 815 DO PASS. Discussion was held. A vote was taken and carried unanimously.

HB 817

Rep. Tropila moved that HB 817 receive a DO PASS recommendation. Discussion on the motion followed. A vote was taken and carried. Rep. Stobie voted no.

HJR 37

Rep. Tropila recommended that the committee adopt the amendments submitted by Rep. Azzara. The motion was discussed. A vote was taken and carried unanimously.

Rep. Nathe moved that the amendment submitted by Mr. Larr be adopted. (See attached amendments) The motion was discussed. A vote carried unanimously.

Rep. Tropila made a motion that HJR 37 AS AMENDED DO PASS. The motion was discussed. A vote was taken and carried unanimously.

HB 793

Discussion was held on amending the bill to include a grandfather clause. It was decided that the staff attorney could come up with one from the original draft of the bill submitted by Rep. Fabrega.

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COMMITTEE ON BUSINESS & INDUSTRY

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON- CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CON- CURRED IN DATE
HB # 599	2/17/79	3/12/79	3/13/79				3/13/79		
HB # 606	2/27/79	3/3/79	3/6/79					3/5/79	
HB # 609	2/17/79	3/5/79	3/6/79				3/6/79		
HB # 649	2/23/79	3/14/79	3/24/79					3/24/79	
HB # 650	2/17/79	3/5/79	3/5/79				3/5/79		
HB # 660	2/20/79	3/3/79	3/3/79						3/3/79
HB # 730	2/21/79	3/8/79	3/8/79				3/8/79		
HB # 731	2/27/79	3/15/79	3/16/79						3/16/79
HB # 769	2/23/79	3/7/79	3/7/79						3/7/79
HB # 786	2/22/79	3/7/79	3/7/79					3/7/79	
HB # 791	2/23/79	3/3/79	3/3/79				3/3/79		
HB # 793	2/23/79	----	3/1/79	----	Transferred to State Administration				
HB # 802	2/27/79	3/5/79	3/5/79				3/5/79		
HB # 815	2/23/79	3/9/79	3/9/79					3/9/79	
HB # 817	2/27/79	3/6/79	3/6/79				3/6/79		
HB # 845	2/23/79	3/7/79	3/7/79				3/7/79		

Use a separate sheet for Senate, House Bills, and Resolutions.

1 *House* BILL NO. *815*
 2 INTRODUCED BY *Dennis NATAL - Hansen - Manuel*
 3 *Memorandum* *Barbano* *Ramirez* *Thurwitz* *Boh*
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 5 DEPARTMENT OF PUBLIC SERVICE REGULATION, IN THE EXERCISE OF
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 22 social sciences and the environmental design arts in
 23 planning and in decisionmaking which may have an impact on
 24 man's environment;
 25 (b) identify and develop methods and procedures which

1 will insure that presently unquantified environmental
 2 amenities and values may be given appropriate consideration
 3 in decisionmaking along with economic and technical
 4 considerations;

5 (c) include in every recommendation or report on
 6 proposals for projects, programs, legislation, and other
 7 major actions of state government significantly affecting
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 9 on:

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 12 avoided should the proposal be implemented;

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 15 man's environment and the maintenance and enhancement of
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 21 alternatives to recommend courses of action in any proposal
 22 which involves unresolved conflicts concerning alternative
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 25 environmental problems and, where consistent with the

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3 national cooperation in anticipating and preventing a
4 decline in the quality of mankind's world environment;

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6 institutions, and individuals advice and information useful
7 in restoring, maintaining, and enhancing the quality of the
8 environment;

9 (g) initiate and utilize ecological information in the
10 planning and development of resource-oriented projects; and

11 (h) assist the environmental quality council
12 established by 5-16-101; and

13 (3) prior to making any detailed statement as provided
14 in subsection (2)(c), the responsible state official shall
15 consult with and obtain the comments of any state agency
16 which has jurisdiction by law or special expertise with
17 respect to any environmental impact involved. Copies of such
18 statement and the comments and views of the appropriate
19 state, federal, and local agencies which are authorized to
20 develop and enforce environmental standards shall be made
21 available to the governor, the environmental quality
22 council, and the public and shall accompany the proposal
23 through the existing agency review processes.

24 (4) The department of public service regulation, in
25 the exercise of its regulatory authority over rates and

1 charges of railroads, motor carriers, and public utilities,
2 is exempt from the provisions of this chapter."

-End-

MINUTES OF THE MEETING
BUSINESS & INDUSTRY COMMITTEE
MONTANA STATE SENATE

March 9, 1979

The meeting of the Business and Industry Committee was called to order by Chairman Frank Hazelbaker on the above date in Room 404 of the State Capitol Building at 10:00 a.m.

ROLL CALL: All members were present.

HOUSE BILL 24: Representative Danny Oberg, sponsor of HB 24, explained the bill to the Committee. This bill is an act to provide for deposit of money received for the use of the Board of Real Estate whenever other disposition is not provided for.

There were no other proponents or opponents to House Bill 24 present at the hearing.

There was a question and answer period from the Committee after which Chairman Hazelbaker closed the hearing on HB 24.

DISPOSITION OF HOUSE BILL 24: Staff Attorney Bob Pyfer, offered an amendment to HB 24. This amendment is on the Standing Committee Report which is attached.

Senator Dover moved that the proposed amendment to HB 24 be adopted. The Committee voted unanimously to adopt the amendment. Senator Dover moved that House Bill 24 Do Pass As So Amended. The Committee voted unanimously that HOUSE BILL 24 BE CONCURRED IN AS SO AMENDED.

Senator Dover will carry House Bill 24 on the floor.

HOUSE BILL 815: Representative Dennis Nathe, sponsor of HB 815, explained the bill to the Committee. This bill exempts the Public Service Commission, in the performance of its ratemaking functions, from the Montana Environmental Policy Act and therefore from the environmental impact statement requirement.

PROPOSERS OF HOUSE BILL 815: Mr. William Opitz from the Public Service Commission, explained the technical aspects of the bill to the Committee. Mr. Opitz distributed a letter from Mr. Rick Applegate, Director of the Center for the Public Interest, Inc. This letter as well as a letter from the PSC to Chairman Hazelbaker are attached to the minutes.

There were no other proponents or opponents to HB 815 present at the hearing.

There was a question and answer period after which Chairman Hazelbaker closed the hearing on HB 815.

12

DISPOSITION OF HOUSE BILL 815: Senator Dover suggested an amendment to make the date effective immediately. Attorney Bob Pyfer stated he would write the amendment in proper form.

Senator Dover moved the amendments to HB 815 be adopted. The Committee voted unanimously that the amendments be adopted.

Senator Lowe moved that House Bill 815 Do Pass As Amended. The Committee voted unanimously that HOUSE BILL 815 BE CONCURRED IN AS SO AMENDED.

Senator Lowe will carry House Bill 815 on the floor.

HOUSE BILL 375: Representative Robert Marks explained the bill to the Committee. Representative Seifert, sponsor of HB 375, was unable to be present at the hearing. This bill increases the maximum dollar amount of insurance that a farm mutual insurer may retain as to a policy issued by it and on a single risk from \$25,000 to \$35,000. Any excess over the maximum must be covered by reinsurance.

PROPOSERS OF HOUSE BILL 375: Mr. Terry Meagher, from the Department of Insurance, stated they are in support of HB 375. Mr. Meagher stated this applies only to farm mutuals. The Insurance Department has never had a complaint about a farm mutual Mr. Meagher stated.

There were no other proponents or opponents of House Bill 375 present at the hearing.

There was a question and answer period from the Committee.

Senator Dover questioned whether or not these companies were large enough to handle the higher risks.

Mr. Meagher stated they were large enough to handle these risks.

DISPOSITION OF HOUSE BILL 375: Senator Dover moved that HB 375 Do Pass. The Committee voted unanimously that HOUSE BILL 375 BE CONCURRED IN.

Senator Hazelbaker will carry House Bill 375 on the floor.

DISPOSITION OF HOUSE BILL 21: This bill was heard on March 1. Attorney Bob Pyfer explained the proposed amendments to House Bill 21 to the Committee. Senator Regan moved that the amendments be adopted. The Committee voted unanimously to adopt the amendments to HB 21.

March 9, 1979

SENATE STANDING COMMITTEE REPORT
(Business & Industry)

That House Bill No. 815 be amended as follows:

1. Title, line 8.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"
2. Page 4, line 3.
Following: line 2
Insert: "Section 2. Effective date. This act is effective on
passage and approval."

STANDING COMMITTEE REPORT

March 9, 1979

MR. President:

We, your committee on Business and Industry

having had under consideration House Bill No. 815

Nathe (Lowe)

Respectfully report as follows: That House Bill No. 815
third reading bill, be amended as follows:

1. Title, line 8.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 4, line 3.

Following: line 2

Insert: "Section 2. Effective date. This act is effective on
passage and approval."

And, as so amended
BE CONCURRED IN

QUEST

W

DATE _____

March 7, 1979

COMMITTEE ON *Bus. & Ind.*

BILL NO. 113-815

VISITOR'S REGISTER

[illegible]

NAME: William J. Opitz DATE: March 9, 1979

ADDRESS: 2 Wood Court Helena, Mont

PHONE: 443-3624

REPRESENTING WHOM? Mont. PSC

APPEARING ON WHICH PROPOSAL: HB-815

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS: The Montana PSC has been threatened
with possible legal action if it does not write
Env. Imp. Statements on its rate case decisions.
A core environmental group (7 people) would
cost the general fund approximately \$135,000
per year. This bill is sponsored by our
joint sub-committee on appropriations as an
alternative to hiring the 7 FTE's. The
Commission's decisions are based on use of
a rate base which is already used & useful
to the consumer, i.e., the impact on the environment

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

1 1 1 1 1 1

18

HOUSE BILL NO. 815

INTRODUCED BY NATHE, KEYSER, MANUEL, MANNING,
BARDANOUVE, RAMIREZ, HURWITZ, ROTH, MENAHAN,
BERTELSEN, SOUTH, CONROY

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT THE
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(f) make available to counties, municipalities, institutions, and individuals advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(g) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

(h) assist the environmental quality council established by 5-16-101; and

(3) prior to making any detailed statement as provided in subsection (2)(c), the responsible state official shall consult with and obtain the comments of any state agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate state, federal, and local agencies which are authorized to develop and enforce environmental standards shall be made available to the governor, the environmental quality council, and the public and shall accompany the proposal through the existing agency review processes.

~~(4) The department of public service regulation, in the exercise of its regulatory authority over rates and charges of railroads, motor carriers, and public utilities, is exempt from the provisions of this chapter."~~

~~SECTION 2. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON PASSAGE AND APPROVAL.~~

-End-